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SUBJECT: KANO KINGMAKER SUES TO OVERTURN FIRING, DRAGGING A TRADITIONAL INSTITUTION INTO COURT FOR THE FIRST TIME

1. Summary. A member of the Kano kingmaking council, dismissed by the Emir of Kano, has challenged the Emir's decision in court. The kingmaking council is a group of senior advisors to a traditional ruler, charged with selecting a new king after a death or retirement. This is the first time a traditional institution has been taken to court and could signify a future trend. At the very least, it is disturbing the historical equilibrium of the traditional structures. End Summary.

2. Aminu Babba Dan-Agundi has gone into history as the first traditional ruler to challenge the decision of the Kano Emirate Council in a court of civil law. He is challenging his dismissal as District Head of Gabasawa, and as Sarkin Dawaki Mai Tuta, one of the Kano Kingmakers. Apart from serving as senior advisers to the emir and members of the Emirate Council, kingmakers select a new emir whenever a vacancy exists. The number and composition of kingmakers differ from one emirate to another, ranging between five and eight.

3. Dan-Agundi was first suspended, and then removed at the end of 2003 by the Emir of Kano. Dan-Agundi subsequently sued the Emirate Council in January 2004, after last-minute reconciliatory moves by prominent Kano citizens failed to produce results. The legal battle still continues at the Kano High Court, presided over by Justice Saka.

4. Dan-Agundi was removed as District Head of Gabasawa last year for "insubordination and high-handedness" against the Emir, Alhaji Ado Bayero, and the Emirate Council that he heads. Bayero is one of the most respectable Muslim traditional rulers in Nigeria. Recently, however, Bayero's influence and authority were challenged by his subjects for being too close to President Obasanjo and the ruling People's Democratic Party (PDP). Bayero was booed at a public function last year by irate youths for paying a courtesy call on the President shortly after Obasanjo was declared the winner of the 2003 elections, which were marred by significant irregularities.

5. Dan-Agundi's action has serious implications for the future of the emirate system in Nigeria. It is the first time a title-holder, who is expected to show absolute obedience and respect to the traditional establishment, has turned against the system. By tradition, an emir cannot be challenged by his subjects, especially by someone that is directly related to the royal family. If Dan-Agundi wins his case against the emir, the emirate council would be considered a corporate entity that can be sued like any other. Also, the myths surrounding the throne--and especially the personality of Emir of Kano Ado Bayero, previously regarded as a towering spiritual and political leader within and outside Kano--would be punctured and demystified. Clearly, the respect he had been commanding is waning.

6. The current legal battle would also encourage internal rebellion against the emirate system. Title-holders who are not satisfied by the actions of their traditional leader in any emirate would be able to go to court.

7. Comment. Making the traditional system subject to Nigeria's legal system will be a victory for the rule of law and constitutionality. A situation in which the public has been unable to challenge arbitrary decisions of traditional rulers would no longer be accepted. In Nigeria, where the personalities are stronger than the institutions, a legal victory against powerful elements like a serving emir would certainly open a door for ordinary citizens to challenge the actions of their leaders. End Comment.

CAMPBELL